Govt. Pr.—15,'08—13-11-36.

Secretariat (1936) Department.

Ms SERIES.

G.O. No. 168

DATED 1. 2. 36

[Despatch Abstract.]

Forests - Memorial - M.J.Mahammad Sahib - Ex-forest guard - Mangalore North Division - Rejected.

A1- 2003-935
Posting certificate obtained

To

The Honourable Private Secretary

to His most Excellency Governor in Council
Madras.

Through

the Proper Channel.

Humble appeal petition of M. J. Mohamad Sahib, Ex. Forest Guard Shankaranarayana Range, Mangalore North Division, residing at Shettanady, Hosa Bhandrimata Karkal Taluk Udupi Post Office South Kanara District

Dated 12-9-1935

Most Respectfully Sheweth.

Being highly aggrieved by the order Ref A-1. 1912-D33 of 8th November 1933 of the District Forest Officer Mangalore North Division, treating the leave on loss of pay from 24th October 33 to 31st November 33 the appellant above named most humbly begs to file this appeal against the same on the following grounds.—

AV
14.9.35

The appellant most humbly begs to submit while he was on acting Forest in Udupi Range in Ajekar Section in 1933, he on 23-10-1933 at Nile Camp was suffering from fever dysentery and nervous debility, he submitted his report book page no 7 of 23-10-1933 to the Range Office Udupi praying for 5 days casual leave etc from 24th October 1933 to 30th October 1933, and the same was granted by the Range Office Udupi, and it was finally passed by the District Forest Office Mangalore North vide X— N— Dis- 33-C-2 of 25-10-1933 and the appellant was due on his duty on 31-10-1933 morning. As the appellant was not completely recovered his ill-health he on 31-10-1933 appeared before the Range Office Udupi

and handed over the Forests Charge Consist of Government Records and articles etc to the Range Officer Kodipi in person in the Range Office in obedience to ref A-1-968-2339 of 15th October 1933 from the District Forest Officer Mangalore North Division. The appellant filed the order appealed against granting leave for one month from 4th November 1933 on the strength of Kodipi Range Officer's remarks on the appellant's leave extension application of 31-10-1933. This application was handed over to the Range Officer Kodipi in person on 31-10-1933 but the District Forest Officer states in the order appealed against that the extension leave application in Continuation to his leave report book page no 7 of 23-10-1933 was not submitted in time as per District Forest Officer's Circular no 2 of 1933, ref A-1-1647-2333 of 17-9-1933. The District Forest Officer's Circular no 2 of 1933 ref A-1-1647-2333 of 17-9-1933 gives effect only to long leave and not for the Casual leave at all, and the same Circular says that a subordinate who is on long leave and if the subordinate wants any further extension his leave application should reach the District Forest Officer 10 days before the expiry of the leave already granted, whereas the appellant's leave was only for 5 days casual leave etc. The appellant was with the intention to join his duty, but his illness did not allow him to do so, and therefore he was compelled to hand over his leave application for extension from sick to the Range Officer Kodipi in person on 31-10-1933 and further it should be noted that it was not possible to him to submit his extension leave application 10 days before the expiry of the leave when the appellant was actually on 5 days casual leave and two days public holidays from 26th October 1933 to 30th October 1933. To add to the above, the appellant further humbly begs to place before you that the house rents of Forest quarters at Bjekal in Kodipi Range was recovered from 24-10-1933 to 31-10-1933 for 8 days at the rate of Rupees 2-8-0 per month from the appellant's pay for October 1933 during which the period was treated on loss of pay Vide District Forest Officer's order appealed against. It should be highly noted how the house rents of Bjekal Forest quarters could be recovered from the appellant's pay for October 1933 for the period when the appellant gets no his pay for the period from 24-10-1933 to 31-10-1933 and on other hand, the District Forest Officer Mangalore North states in the order appealed against, that the appellant

that the appellant did not obey the District Forest Officers order, therefore the period from 24.10.1933 to 3rd November 1933 was treated as loss of pay, which is strange to see and tolerate. and the same will be convinced how the appellant can obey the order when he falls ill on account of his Constitution trouble. ———

2. The order of the District Forest Officer Mangalore North appealed against, is entirely unjust, unfounded, opposed to the rules and Contrary to facts and evidence on Records. ———

3. That the District Forest Officer was greatly prejudiced against the appellant and entirely relied on misplaced Officers biased remark on the appellants extension leave application of 31.10.1933, and passed arbitrary order which is un-sustainable Constrained on the basis of facts and Records. There is no justification treating the leave on loss of pay from 24th October to 3rd November 1933, the District Forest Officer Mangalore North was ignored of the appellants extension leave application of 31.10.1933, who had power to direct the appellant to appear before any medical Officer for examination regarding the extension of leave to be granted, when the appellant requests the extension leave to recover his illness vide his petition of 31.10.1933, before it was granted by the District Forest Officer Mangalore North in the order appealed against which is not done, and it gives agony. ———

4. The appellant humbly begs to state on receipt of the District Forest Officers order appealed against the submitted his petition on 20.11.1933 to the District Forest Officer Mangalore North, through the Range Officer Bantwal requesting to treat the period from 24.10.1933 to 3rd November 1933 as leave on average pay, for which the appellant received District Forest Officers Lr A.1.1912-33, of 10.12.1933, where he states that the order referred to was issued after a full Consideration of the Case and sees no reason for its reconsideration and further it states that the subordinates must learn that the orders are issued to be obeyed and not flouted, which is unjust, unfounded and un-tolerable on the evidence of facts and reasons.

5. The appellant humbly begs to submit on the receipt of the District Forest Officers order ref A.1-1912-F33 of 10.12.1933, the appellant submitted his appeal petition of 31.12.1933 to the Conservator of Forests Cotacamund for justification, but the Conservator of Forests Cotacamund was ignorant of the facts and reasons mentioned in the appeal petition and passed Grand order vide his M. no 502-F34 of 8.4.1934 on the strength of the District Forest Officers remarks in which the Conservator of Forests states that he sees no reason to interfere with the District Forest Officers dismissal of the petitioners Case which is unjust and un-sustainable under the evidence of facts and rules.

6. The appellant humbly begs to submit that his appeal petition of 3.6.1934 was submitted to the Chief Conservator of Forests Chepauk Madras for justification under the view of facts, reasons and rules based on the evidence on records whereas the appellant received L. dis. M 6567-F34 of 25th September 1934 from the Chief Conservator of Forests in which the Chief Conservator of Forests was very much pleased on the strength of the remarks of the District Forest Officer Mangalore North and the Conservator of Forests Cotacamund to reject the appeal without going through the facts and reasons mentioned in the appeal. There is no justification at all to reject the appeal without giving reasons which is un-sustainable.

7. The appellant humbly begs to submit that his appeal petition of 10.12.1934 was again submitted to the Chief Conservator of Forests for re-consideration under the view of justification, through the evidence of the facts, reasons, and rules mentioned in the appeal whereas the appellant received L. dis. M 6322-F35 of 17th June 1935 from the Chief Conservator of Forests Chepauk Madras in which the Chief Conservator of Forests states that the orders passed in his office L. dis. M 6567-F34 of 25th September 1934 will not be reconsidered. There is no justification at all in issuing such orders without scrutinising the Connected records and it gives un-tolerable agony.

8. The appellant humbly begs to submit on the receipt of this order, on his appeal from the Chief Conservator of Forests, the appellant submitted his appeal on 18-7-1935 through the proper channel which was returned back to the appellant on 19-8-1935 by the District Forest officer Nagaland North Division, vide N. Dis. No. 1612-235 of 24-7-1935 saying that there is no appeal against the order to the Board of Revenue which has given much agony, and therefore the appellant was compelled to submit this appeal again.

9. The appellant therefore in conclusion most humbly and respectfully prays that on kind and favourable considerations of all the facts and reasons referred to the above, your gracious honour may be pleased to cancel, and set aside the order of the District Forest officer Nagaland North Division, Conservator of Forests, and Chief Conservator of Forests, and grant the pay from 26th October to 3rd November 1933, treated by the District Forest officer Nagaland North, on loss of pay in the Order appealed against, for which act of kindness, justice, and mercy the appellant prays for ever and ever.

M. J. Mohammad Sahib
Appellant

Dated 12-9-1935.

Enclosures for references are enclosed herewith.

1. District Forest officer ref A.1. 1912-233, Service order No 187 of 1933 dt 8th November 1933. (Original)
2. District Forest officer memo ref A.1. 1912-233 dt 10.12.1933 (Original)
3. Conservator of Forests. L. Dis. No. No $\frac{502}{34}$ dt 8.4.1934. (Original)
4. Chief Conservator of Forests. L. Dis. No 4322-235 dt 15th June 1935 (Original)
5. District Forest officer N. Dis. No. 1612-235 of 24-7-1935. (Original.)
6. District Forest officer circular No 2, dt 1933, A.L. No 1647-233 dt 17th September 1933. (True copy)

Ref A.1. 1912/F.33.

Office of the Dt.Forest Officer,
North Mangalore.
Mangalore. dated 8th Novr: 1933.

By

A. L. Griffith Esquire, I.F.S.,
District Forest Officer,
North Mangalore.

Service Order No. 187/1933.

Officiating Forester M.J. Mahamad Saiba, now reverted as Forest Guard I grade, applied for 5 days' casual leave from 24-10-1933 with permission to avail of holidays on 29-10-33 and 30-10-33 on account of his ill health. He did not join duty at the end of his casual leave on 31-10-33, but he applied for leave on average pay for one month in continuation of his casual leave. No leave application was submitted in time as required by this Office Circular A.1. 1647/F.33, dated 17-9-1933 (Circular No.2/1933) and he knows that leave on average pay cannot be granted in continuation of casual leave. As he has thus not obeyed my orders already issued, the period from 24-10-33 to 3-11-33 inclusive, is treated as leave without pay and he is granted leave on average pay for one month from 4-11-33 to 3-12-33 inclusive; THE DATE 4-11-33 being the date of receipt of his application for leave by me. He will draw leave allowance at Rs.30/- per mensem from 4-11-33 to 3-12-33. Extension of leave in continuation of this leave will not be considered.

District Forest Officer,
North Mangalore.

To Forester M.J. Mahamad Saiba through Range Officer, Udipi. To draw his leave allowance etc, he will remain attached to Shankernaraina Range.

M.M.M/8-11-33.

Rfa 797-933

8 NOV 1933

Ref A.1. 1912/F.33.

A. L. Griffith Esquire, I.F.S.,
District Forest Officer,
North Mangalore.

Memo

Subject :- Leave without pay - availed of - Forest Guard Mahamad Saiba - treated as L.A.P.- orders passed.
Reference :- Shankernaraina Range Officer's N.Dis 660/F.33, dated 25-11-33.

*****

The order referred to was issued after a full consideration of the case and I see no reason for its reconsideration. The subordinates must learn that orders are issued to be obeyed and not flouted.

Mangalore, dated 10-12-1933.

Sd/ A.L.Griffith.
Dt.Forest Officer N.M.

/ True copy /
/ By order /
G. Sheshagiri Bulla
Head Clerk.

To Forest Guard Mahamad Saiba through Range Officer, Shankernarah
Copy to Range Officers, Shankernaraina and Udipi for information.

N.M.R/12-12-33.

DESPATCHED
19 DEC

DESPATCHED
19 DEC 1933

331

PROCEEDINGS OF THE Conservator of Forests, Ooty circle, Ootacamund.
MEMORANDUM

Post Box No. _____ *Telegraphic Address* Conservator, Ooty circle, Ootacamund.

Name A.A.F. Minchin, Esq., I.F.S.,

Letter No. 502/34, *dated* 8-4-34. 19

Short title _____

READ the following :—

Petition from ag. Forester, M.J. Mohmed Sahib and District Forest Officer, North Mangalore, Ref.A. 59/34 dated 12-2-34.

ORDER.

The Conservator sees no reason to interfere with the District Forest Officer's disposal of the petitioner's case.

Sd/ A.A.F. Minchin,
Conservator of Forests, Ooty circle.

True copy
/By order/
Manager,
Conservator's office, Ooty circle.

S.T.9-4.

Copy to the Petitioner through the District Forest Officer, Mangalore North.
the District Forest Officer, Mangalore North.

Enc:- Two files.

Ref a- 59- 34 Forwarded
29/4/34.

Ref c 627/33
Forwarded
23.4.34

To 2nd appeal all. file Bhimsaba
Thro RO Shankaranaya

L.C. 10/4/34

C.F.34.

PROCEEDINGS / MEMORANDUM OF THE Chief Conservator of Forests, Chepauk.

Post Box No. _____ *Telegraphic Address* _____

Name T.A.Whitehead Esq., I.F.S.,

L.Dis. *No.* 4322/35 *dated* 17th June 1935.

Short title _____

OFFICE OF THE CONSERVATOR OF FORESTS Cur. No. 1 - 1A/5376 12 JUN 1935 OOTACAMUND CIRCLE

OFFICE OF THE CONSERVATOR OF FORESTS MANJERI 28 JUN 1935

READ the following:- Petition from M.J.Muhammad Sahib - Ex. Forest Guard, Mangalore North Division.

The orders passed in this office L.Dis. 6567/34 of 25th September 1934 will not be reconsidered.

L.Dis 145/35 dated 21.6.35

for Ag. Chief Conservator.

Forwarded through the District Forest Officer Mangalore North

To the petitioner thro' the Conservator, Ootacamund Circle.

18/6

oav. 18.6

DEPUTY CONSERVATOR OF FORESTS 24 JUN 1935

Dy. Conservator of Forests I/C Ootacamund Circle

20/6/35 20/6

N.Dis 1612/1935. 19/8/35

Returned to the appellant.

There is no Privy Council or the Private Secretary to the Revenue Board, Madras. Moreso, he is not a subordinate of the Revenue Board. Further there is no appeal against the orders to the Board of Revenue.

Office of the Dt.Forest Officer,
Mangalore North
Mangalore, dated 24th July 1935

Sd/ E.V.Padmanabha Pillai.
District Forest Officer,
Mangalore North.

/ True copy /
/ By order /

Head Clerk.

M.M.R/24-7-35.
2/25/7

JUL 1935

A. L. No 1647-933.

A. L. Griffith Esqre I. F. S.

District Forest Officer, Mangalore North.

Circular No 2 of 1933.

Subordinates applying for leave must as far as possible submit their application for leave through the proper Channels at least one Month before the leave is required. Applications received direct will be rejected.

2. At the Conclusion of the leave, if they wish to apply for an extension their applications must reach Hd at least 10 days before the expiry of the leave through the proper Channels.

3. Piece meals extension will not be granted.

4. Range Officers must as far as possible in appointing Substitutes, give preference to Suitable watchers, who are under 25 years of age and who have the required height and Chest measurements and registered Candidates for Forest Guards posts and to Suitable Forest Guards in making recommendations for Foresters Posts. Out siders should be recommended only when there are no more Suitable Forest-guards.

5. Subordinates not joining duty, at the expiry of the leave if they have not applied for extension will be placed under suspension and dealt with severely.

6. In Submitting Subordinates application for leave Range Officers should make remarks about the Circumstances of the Case, and State his opinion of the Genuineness of the Sickness.

17th September 1933. Sd A. L. Griffith.
District Forest Officer
Mangalore North

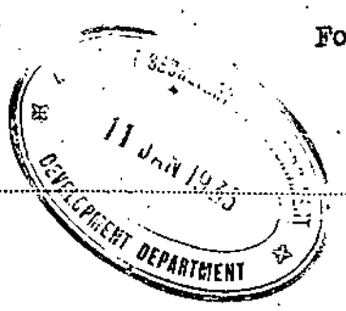
(True Copy) 17th September 1933.

M. J. McKay Asstt.

168-I
11-1-36

C.F. 50.

Forest DEPARTMENT



Received ..... 19 *Registered* 19

Subject.

Memorial-

M.J. Mahammad Sahib - Ex-Forest Guard -
Mangalore North division.

ENCLOSURES.
No. ...
Memorial and records in original.
Spare copies ...

Reference No. 9568-35-D2.

Station Madras., *Dated the* 8th January 1936.

From (Name) T. A. Whitehead Esq., I.F.S.,
(Designation) Ag. Chief Conservator of Forests.

To The Secretary to the Government of Madras,
Development Department.

Sir,

Ref: Memorial from M.J.Muhammad Sahib, Ex-Forest Guard, Sankaranarayana Range, Mangalore, North Division dated 12th September 1935.

Submitted to Government with reference to G.O.No. 1306, Public(Services)Department, dated 7th August 1935.

2. The memorialist has not made any previous application to Government for redress in the first instance.

3. The connected records are submitted.

M.F. Bridge
for Ag. Chief Conservator.

DESPATCHED
11 JAN 1936

p.t.o.

14

2

List of records.

1. Mangalore North Dt. Forest Officer's N.Dis.1612/F-35. (9)
2. do. do. L.Dis.59/34. (S)
3. do. do. L.Dis.1647/33. (N)
4. do. do. D.Dis.1912/33. (Z)
5. do. do. D.Dis.968/33. (M)
6. Conservator's L.Dis.No.1846/34. (D)
7. do. L.Dis.502/34. (Y)
8. Chief Conservator's Procgs. L.Dis.4322/35 dated 17-6-1935. (F)

D.31

15

Dev. Dept.

C no. 1681/35.

Memorial – M. S. Muhammad Sahib –

for forest grant – Mangalore [illegible]

Pp. 1-5 q. From the Memorialist dated 12-9-1935

P. 13 q Endg the C.C.F. no. 9568-35-D2 dt 8-1-1936

To A S

Please see the memorial at pp 1-5 q. and the C.C's. endt thereon at P. 13 q. The memorial is addressed to the Private Secretary to His Excellency the Governor. The requirements of para 1 (3) of Govt no. 1306 Pub (Ser) dated 7-8-35 have not been complied with as the memorialist has not made any previous application to Govt for redress in the first instance. The memorial may be submitted to His Excellency for orders under Rule 52-D of the Secretariat Rules.

RR 17/1/36

17/16-1-36.

Govt no. 597 Pub S 11-4-35

Pl mi 20/1

rec'd 20.1.36

recd 27/1

Fair 17/1/36

P.S.G.

H.E. declines to interfere.

27/1

29/1.

Note 16

Note:-

A draft order is submitted for approval.

Secy
31-1-96

Regd
31.1.96

Advocate
31.1.96

C.F. 15.

DRAFT FOR APPROVAL.

25/1/36 Date. Initials.

SUBJECT :—

	Date	Initials
When received for fair copying ..		
When copied ..		
When examined ..		
When signed ..		
When despatched.		

Forest
Memorial: M. J. Mohamm
Sahib. Ex-forest Guard
Kanjalam Nakh Dn. Nilgiris

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO* :—

No. 168? From the C.C.F. Ref. No. 9568/35-D2 dated 8.1.1936

" _____ " _____ " _____ " _____ 19____

" _____ " _____ " _____ " _____ 19____

Order ~~Resolution~~ Ms. ~~Rout.~~ No. 118, dated 1-2 1936

Dpd. with enclosure
Fwd
1-2-36
1 3
Dr

His Excellency the Governor has
decided to intervene on
behalf of the memorialist.
The C.C.F. is requested
to inform him
accordingly.

RR
31-1-36

The C.C.F.
(with Enclosure)
/
as per letter Policy.

Dept
30.1.36

JAR
31.1.36